

REMARKS/ARGUMENTS

Claims 2-13 remain in the application. Claims 2-13 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Claim 13 has been rewritten in independent form. Claims 2-12 have been rewritten to depend from claim 13. Claim 9 has been amended to point out how motion artifacts are detected in optical signals that do not depend on the periodicity of heartbeats. Support for this amendment can be found at page 5, lines 16-18 of the specification.

Claim 9 was rejected under 35 U. S. C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This rejection is respectfully traversed for the following reasons.

Claim 9 has been amended to point out how motion artifacts are detected in optical signals that do not depend on the periodicity of heartbeats. Accordingly, this ground of rejection can be withdrawn.

Claims 1 and 5-10 were rejected under 35 U. S. C. §102 (b) as being anticipated by Hall (U. S. 4,955,379). This rejection is respectfully traversed for the following reasons.

Hall, U. S. Patent No. 4,955,379 (hereinafter "Hall"), discloses a pulse oximeter apparatus comprising a bandpass filter adapted selectively to exclude motion artifact from wanted signal.

Claim 1 has been canceled. Claims 5-10 have been rewritten to depend from claim 13, which has been deemed allowable.

Claims 3 and 4 were rejected under 35 U. S. C. §103 (a) as being unpatentable over Hall in view of Ukawa et al. (US 5,485,838). This rejection is respectfully traversed for the following reasons.

Ukawa et al., U. S. Patent No. 5,485,838 (hereinafter "Ukawa et al.") discloses a non-invasive blood pressure measurement device including: a cuff, a pressure detector for detecting a cuff pressure; a cuff pressure control pump for linearly increasing or decreasing the cuff pressure; a light-emitting member for injecting a beam of light into a part of a body by the cuff; light-receiving members for detecting an amount of light transmitted or an amount

of light reflected of the beam of light injected into the body from the light-emitting member; a demodulating circuit for separating the pulsatile component from the light-receiving signal obtained from the light-receiving members; a CPU for sending a control signal to the cuff pressure control pump to thereby either increase the cuff pressure if it is judged that the pulsatile component has not been detected before applying pressure to the cuff based on the detection output from the demodulating circuit or decrease the once increased cuff pressure, and detecting an inflection point in the light-receiving signal in the course of increasing or decreasing the cuff pressure to thereby output a cuff pressure at the inflection point as a mean pressure value of a subject who is in systemic hypotension.

Claims 3 and 4 have been rewritten to depend from claim 13, which has been deemed allowable.

Claims 2, 11, and 12 were rejected under 35 U. S. C. §103 (a) as being unpatentable over Hall in view of Pologe et al. (US 5,766,127). This rejection is respectfully traversed for the following reasons.

Pologe et al., U. S. Patent No. 5,766,127 (hereinafter "Pologe et al.") discloses a method and apparatus for the monitoring perfusion of the tissue by arterial blood. An optical path length change is calculated for a number of digitized samples of a received light intensity signal generated by a photo detector that receives light directed into a patient's tissue by one or more light emitting diodes or laser diodes. The optical path length changes are summed over a predetermined time such as one half cardiac cycle or other set interval to generate a perfusion index.

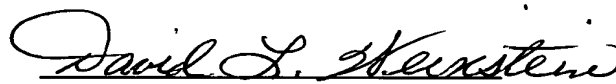
Claims 2, 11, and 12 have been rewritten to depend from claim 13, which has been deemed allowable.

In view of the foregoing, it is submitted that claims 2-13 are in condition for allowance and official Notice of Allowance is respectfully requested.

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Respectfully submitted,
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A handwritten signature in cursive script, reading "David L. Weinstein".

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